

REMARKS

Entry of the preceding amendments and consideration of the comments which follow are respectfully requested by Applicants.

Claims 11-34 have been canceled as being drawn to a non-elected invention. Claims 1 and 6 have been amended. Claims 37-41 are new. Claim 1 has been amended to require that only one substituent of the compound can be a solid phase, with support being found in paragraph [0046] of the original specification. Claim 6 has been rewritten in independent form. Support for new claim 37, which depends from claim 8, is found in paragraph [0063]. Support for new claim 38, which depends from claim 1, is found in paragraph [0058]. Support for new claim 39, which depends from claim 38, is found in paragraph [0047]. Support for new claim 40, which depends from claim 39, is found in paragraph [0055]. Support for new claim 41, which depends from claim 1, is found in paragraphs [0047], [0055], and [0063]. No new matter has been added.

Claims 1-10 and 35-41 are currently pending and under examination.

Rejections under 35 USC §102 (b)

Claims 1 and 7 have been rejected under 35 USC §102 (b) as being anticipated by Hendrix et al., Chem. Eur. J. 3, No. 1, pp. 110-120, 1997 (hereinafter "Hendrix"). The examiner argues that Hendrix discloses a compound identical to the instant invention where B is a base, R3 is a protecting group, R1 is H, Y is O, R4 is H, and R2 is OH (see page 112).

Applicants respectfully traverse the rejection and argue that the compound disclosed by Hendrix fails to include a linking moiety "L" as required by the claims. The compounds taught by Hendrix comprise natural bases such as adenine and guanine coupled to protecting groups and do not comprise a linking moiety. Applicants define protecting groups on page 12, paragraph [0037] of their specification, and they define linking moiety on page 13, paragraph [0039]. Thus Hendrix does not anticipate the instant claims, and Applicants respectfully request the Examiner's reconsideration of the rejection.

Rejections under 35 USC §102 (e)

Claims 1, 2, and 7 have been rejected under 35 USC §102 (e) as being anticipated by Miculka et al., US 6,613,894 (hereinafter "Miculka"). The examiner argues that Miculka discloses a compound identical to the instant invention where B is a base, R3 is a protecting group, R1 is a protecting group, Y

is O, R4 is OH, R2 is OH (column 15-16), L can comprise a C, N, or O and a reactive group (columns 19-20, 26).

Applicants respectfully traverse and argue that the compound disclosed at column 15-16 of Miculka is not identical to the compounds recited in claims 1 and 7 because the compounds of the instant invention require the base moiety to be attached to the carbon at position 2 on the heterocyclic ring. The base moiety in the compounds disclosed by Hendrix is connected to a different carbon atom of the sugar. Thus Miculka does not anticipate the instant claims, and Applicants respectfully request the Examiner's reconsideration of the rejection.

Allowable claims

The Examiner has remarked that claims 3-6, 8, 10, and 35 are objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. Claims 9 and 36 have been allowed. Applicants acknowledge with appreciation the Examiner's indication of allowable subject matter.

Applicants note that patentability of newly added claims 37-41 should flow from the claims upon which they depend, which patentability has been argued above or has been already indicated by the Examiner.

Applicants submit that their application is now in condition for full allowance, and favorable reconsideration of their application in light of the above amendments and remarks is respectfully requested. Allowance of claims 1-10 and 35-41 at an early date is earnestly solicited.

Respectfully submitted,



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